

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS – WITCHITA FALLS DIVISION

IN RE: § CASE NO. 08-70454-hdh13

JOHN DAVID CAMPBELL AND §  
LAURA MICHELLE CAMPBELL, § CHAPTER 13

Debtor(s). §

GMAC MORTGAGE, LLC, AS §  
SERVICING AGENT FOR §  
MORTGAGE ELECTRONIC §  
REGISTRATION SYSTEMS, INC., §  
SOLELY AS NOMINEE FOR §  
HOMECOMINGS FINANCIAL, LLC §  
(F/K/A HOMECOMINGS FINANCIAL §  
NETWORK, INC.), its successors and/or §  
assigns, §

Movant,

v.

JOHN DAVID CAMPBELL AND  
LAURA MICHELLE CAMPBELL; and  
WALTER 12,13 OCHESKEY, Trustee,

Respondents.

**NOTICE OF TERMINATION OF AUTOMATIC STAY**

TO: DEBTORS, DEBTORS' COUNSEL, THE CHAPTER 13 TRUSTEE, AND ALL  
INTERESTED PARTIES:

NOTICE IS HEREBY GIVEN that, pursuant to the terms of the Agreed Order Conditioning Automatic Stay ("Order") entered by the Court on February 18, 2009, the automatic stay pursuant to 11 United States Code section 362 is terminated effective May 2, 2009, to allow GMAC Mortgage,

LLC, as servicing agent for Mortgage Electronic Registration Systems, Inc., Solely as Nominee for Homecomings Financial, LLC (f/k/a Homecomings Financial Network, Inc.), its successors and/or assigns (hereinafter "Movant"), to enforce its state law remedies against the security described in that certain Deed of Trust recorded on October 12, 2007, in the Office of the County Recorder of Clay County, State of Texas, with respect to the real property located at 3623 FM 174 East, Buffalo Springs, Texas 76228 (the "Real Property"), and proceed with post-petition foreclosure remedies in accordance with applicable law.

Pursuant to the terms of the Order, the Debtors are required to maintain regular monthly payments pursuant to the Note and Deed of Trust commencing March 1, 2009. Additionally, the Debtors shall have 30 days from the date this Order is entered to modify Debtor's Chapter 13 Plan to include all post-petition arrearages and attorney's fees and costs in the total amount of \$4,533.40. In the event the Debtors default under the terms, Movant may modify the Automatic Stay entered in this case without further notice, hearing or Order of the Court.

On April 21, 2009, Movant caused a letter to be mailed to the Debtors and Debtors' counsel advising them that the loan was in default and failure to cure the default would result in termination of the automatic stay. The debtors' failed to cure the default evidenced by the April 21, 2009 letter from Movant. The April 21, 2009 letter is attached hereto as Exhibit A and is hereby incorporated.

The Debtors are in default for the March 1, 2009, post-petition payment in the amount of \$930.28; the April 1, 2009, through May 1, 2009, post-petition payments in the amount of \$888.54 each; the March 2009 through April 2009 late charges in the amount of \$27.00 each; and \$50.00 for the Notice of Default. Accordingly, the automatic stay is terminated effective May 2, 2009, and

Movant requests that the Chapter 13 Trustee cease making any further payments in regard to Movant's claim filed in this bankruptcy case.

Pursuant to paragraph nine (9) of the Order, in the event Movant is granted relief from the automatic stay, the 10-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived.

Respectfully submitted,

PITE DUNCAN, LLP

/s/ Tracy D. Mabry  
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ATTORNEYS FOR MOVANT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 26, 2009, a true and correct copy of the foregoing NOTICE OF TERMINATION OF AUTOMATIC STAY was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached service list:

**DEBTOR(S)**

John David Campbell  
Laura Michelle Campbell  
3623 FM 174 East  
Bellevue, TX 76228

**DEBTOR(S) ATTORNEY**

Monte J. White  
Monte J. White & Associates, P.C.  
1106 Brook Avenue  
Wichita Falls, TX 76301

**CHAPTER 13 TRUSTEE**

Walter OCheskey  
6308 Iola Avenue  
Lubbock, TX 79424

**U.S. TRUSTEE**

U.S. Trustee  
Department of Justice  
1100 Commerce Street, Room 976  
Dallas, TX 75242-1496

**JUNIOR LIENHOLDER(S)**

Linebarger, Goggan, Blair & Sampson, LLC  
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/s/ Tracy D. Mabry  
Attorney for Movant